S.B.Cr.Misc. II Bail App. No. 4777/2007
(Mukesh Gaur Vs. State of Rajasthan)

Date of order : 11/10/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. J.P.Bishnoi for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

This is second bail application. The earlier bail application was dismissed while the matter was at the investigation stage. The police has completed the investigation and filed challan.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and challan papers.

It is contended by learned counsel for the petitioner that nothing has been recovered from the present petitioner and the alleged Car has been recovered by the police while it was found abandoned. It is also contended that it is not the case of the prosecution that the petitioner snatched the Car or taken away the Car. The allegations are against Montu Pareek.

From the perusal of the challan papers it appears that an agreement to sale alleged to have been executed by Jitendra Jain who is first informant though not signed in favour of Devendra Pareek in respect of very Car which is subject matter of the case and was found in the abandoned car.

Be that as it may, since nothing has been recovered from the present petitioner, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the

parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Mukesh Gaur S/o Ram Narayan be released on bail in FIR No. 275/2007 P.S. Pratap Nagar, Jodhpur, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP